

Clarence Town Environmental Quality Review  
(TEQR)

Meeting Minutes

for

Monday, November 13, 2006

Matthew Balling, Chairman, called the meeting to order at 7:00 p.m. and led the pledge to the flag.

TEQR Members Present:

Matthew Balling  
Richard McNamara  
Paul Shear  
Lisa Bertino-Beaser

Patrick Miner  
John Moulin  
Albert Schultz

Other Town Officials Present:

James Callahan, Director of Community Development  
James Hartz, Asst. Director of Community Development  
Jeffrey Grenzebach  
Steve Bengart, Town Attorney  
Scott Bylewski, Councilman

Other Interested Parties Present:

Bill Pfennig  
Carol Minnick  
Jim Geiger

Laura Pfennig  
Al Hopkins  
Tom Thielmann

**Item 1**

Approval of Minutes

Motion by Matt Balling, seconded by John Moulin, to **approve** the minutes of the meeting held on September 18, 2006, with the following change:

-The the Town Attorney, Steve Bengart was in attendance at the meeting.

|                     |        |                |        |
|---------------------|--------|----------------|--------|
| Matthew Balling     | Aye    | Patrick Miner  | Aye    |
| Richard McNamara    | Aye    | John Moulin    | Aye    |
| Paul Shear          | Aye    | Albert Schultz | Recuse |
| Lisa Bertino-Beaser | Recuse |                |        |

MOTION CARRIED.

**Item 2**

Communications

## **DISCUSSION:**

Matt Balling advises the committee that the Planning Board has scheduled a special worksession on Tuesday November 28, 2006 at the Clarence Library from 7:00 p.m. to 8:45 p.m. to hear from Mr. Harold Keppner of the Army Corp of Engineers who will present the basic federal wetland regulations and mitigation information. He encourages all committee members to attend.

The TEQR Committee has received correspondence from the Town Supervisor that the New York State Association of Towns 2007 Training School has been scheduled for February 18-21, 2007. If any member is interested in attending they are advised to notify Matt Balling.

### **Item 3a**

Stage and Schurr Subdivision

## **DISCUSSION:**

Jim Callahan explains this item has been tabled for several months. He recently spoke with Gary Jason, the project sponsor. Mr. Jason said he is still awaiting the results of the Phase II Archaeological study and has asked to be tabled until the information can be provided.

## **ACTION:**

Motion by Richard McNamara, seconded by Paul Shear, to **table** Item #3a at the request of the applicant.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Miner  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

### **Item 3b**

Utilization of sewer capacity outside of Erie County Sewer District #5 for areas not included in a sewer district and proposed Harris Hill Commons Open Space Design subdivision.

## **DISCUSSION:**

Jim Callahan explains the project is located on the north side of Greiner Road, south side of Sheridan Drive and the west side of Harris Hill Road. The Town Board sought Lead Agency and commenced coordinated review on August 23, 2006. The revised EAF, including minor subdivision of property included was submitted on August 21, 2006. During the coordinated review the NYS DEC has identified concerns related to the sewer issue and asked for a meeting before committing to Lead Agency Status.

Sean Hopkins, attorney for the project sponsor, is present. Leanne Voit, project engineer from Greenman Pedersen, is also present. Mr. Hopkins explains that the engineer has tried to preserve as much greenspace as possible. They are proposing an 87-lot subdivision on 62 acres; this is consistent with the Town's Master Plan. More than 50% of the project site will be preserved as Open Space and will be subject to a conservation easement. He advises the Board that there is an out-of-district sewer

agreement with Erie County; however, they have also asked Erie County to extend the sewer district so that it would include the project site.

Matt Balling explains that comments have been received from two (2) involved agencies. The first is from the Department of Environment and Planning indicating the County has concerns about traffic, the letter is dated September 28, 2006 and is in the file. The second letter is dated September 20, 2006 and is from the Department of Public Works, Division of Highways. This second letter is concerned with run-offs and who owns the culvert along Harris Hill Road, the letter is in the file. Mr. Hopkins is aware of this correspondence. Mr. Hopkins does not know who owns the culvert that runs along Harris Hill Road, he is not proposing to run a sewer line along Harris Hill Road. Matt Balling said this refers to a storm sewer.

Mr. Balling said the other correspondence from DEC indicates that a meeting between the Lead Agency and a DEC representative be conducted. Mr. Hopkins said he has not met with the DEC yet, but they are available for such a meeting.

Mr. Hopkins said that if the County extended the sewer district it would provide the opportunity for parcels that are currently located along Greiner Road to tie into that sewer, it would also be one step closer in addressing the existing sewer problems in parts of Clarence.

Matt Balling explains that a Part II can not be discussed and prepared until the Town knows if they are going to be the Lead Agent and suggests tabling the project until the meeting with the DEC happens.

Al Schultz said the focus needs to be placed on a number of items. One issue is with regards to Lead Agency status, another is the sewer issue. Mr. Schultz explains that the DEC believes the area is an archeological sensitive area which requires sampling. A site inspection must be performed to look for the Northern Tansy-mustard, an endangered plant, per NYS rules. The storm water management system is another issue that needs to be addressed. There is a letter from the DEC in the file addressing these issues dated September 25, 2006.

Mr. Hopkins explains that as part of the construction activities the applicant will be required to obtain a SPEDES permit and this will be submitted at the appropriate time. He also explains that a preliminary drainage plan will be submitted to allow this Board, or any other Board, to take a good look under SEQRA and to demonstrate that the project will meet applicable standards.

#### **ACTION:**

Motion by Matt Balling, seconded by Al Schultz, to **table** Item #3b until lead agency is solidified.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Miner  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

**MOTION CARRIED.**

Mr. Hopkins will set up a meeting with the DEC; he will notify Jim Callahan, a Town Councilperson and Matt Balling once the meeting is scheduled.

**Item 3c**

Adequate Public Facilities Local Law/Amendments to Master Plan 2015

**DISCUSSION:**

Jim Callahan explains that the Town Board is considering an option of legislation to declare that Adequate Public Facilities exist before acting on development proposals. Part of adopting such legislation the Town Board is pursuing broad minor amendments to Master Plan 2015. Those amendments were reviewed by the TEQR Committee and coordinated review was recommended and commenced on July 26, 2006. To date, there have been no comments on the proposed changes to the Master Plan from any involved agencies. The APF as it is developing will include the involvement of the Clarence School District for levels of service identification, annual review possibly with Williamsville District, a parks and recreation fee recommendation and an annual capacity reviews for fire and emergency services. At this point the action is related to the amendments to the Master Plan, a Part II has been drafted identifying there will be no significant environmental impacts associated with those changes.

Matt Balling said this is a very responsible step to take to incorporate this local law into the comprehensive plan.

**ACTION:**

Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to **accept** the Part II of the EAF as prepared by the Planning and Zoning Office for agenda Item #3c.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Miner  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

**ACTION:**

Motion by Matt Balling, seconded by John Moulin, to **recommend** the Town Board issue a Negative Declaration in regards to the amendments to agenda Item #3c.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Miner  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

**Item 3d**

Kausner Open Development Area, 4180 Ransom Road

## DISCUSSION:

Jim Callahan provides an update on the project. The property is located on the west side of Ransom Road, south of Tillman Road and consists of approximately eight (8) acres. It is zoned Agricultural Rural-Residential. The applicant is proposing a three (3) lot Open Development Area. A coordinated review, under SEQRA, was commenced on August 23, 2006. Comments from the DEC and the Erie County Department of Public Works have been forwarded during the review process. In the DEC comments there were concerns relating to the archeological impacts and drainage impacts.

Al Hopkins is representing Metzger Civil Engineering.

Matt Balling explains that there is another project in the vicinity and some significant artifacts are being found, he asks if the applicant intends to do a Phase I archeological study. Mr. Hopkins said he has not been made aware of any DEC comments. The project site is at the very edge of a circle so he thought the significance was probably low, thus they had no intention of doing a Phase I. He points out there is no state or federal funding associated with this project so a requirement for an archeological study would be discussionary. Matt Balling asks if the property has always had the high density of woods on it. Mr. Hopkins is not sure.

Mr. Balling explains that under the evaluation process for identifying significant impacts and due to the DEC's letter on file with regards to the potentially large archeological impact, he suggests a Phase I study should be conducted.

Laura Pfennig, of 4170 Ransom Road, explains that there is a lot of water on her property; 4180 Ransom Road is higher so water drains from it on to her property. The flooding occurs in her backyard behind the swimming pool. She also voices her concern regarding the low water pressure issue; during the October 2006 storm she had no water at all. She said there was an underground gasoline tank along the driveway years ago; this issue needs to be addressed.

Matt Balling asks if the Erie County Water Authority has received any correspondence from the Lead Agency. Jim Callahan said correspondence has been sent but no comments have been received back. Mr. Balling asks if there are standards to be maintained for minimal household pressure. Jim Hartz said 20 lbs. of pressure is the minimum. In an April 2002 report the minimum pressure was not being met. The Water Authority was working on a solution at that time. Mr. Hopkins said the applicant requested an analysis from the Water Authority and they did a flow test which is dated November 15, 2005. The test showed an improvement of pressure to 68 lbs., with a residual of 50 lbs. Mr. Hopkins said the County tests the fire hydrants every year. Jim Hartz said the Water Authority tests the fire hydrants from time to time, as well.

Mr. Hopkins said the owner has offered to put in a pond if it will help the drainage issue, however, the Town Engineer said this would not help because the property is higher than the neighbors.

Mr. Balling points out that it is a difficult site to build on because the existing soil bed can not absorb the storm water that it is receiving. With regards to the road, Mr. Hopkins said they will use the existing grade as much as possible; it will be similar to a typical residential driveway. There will be fill underneath so there should be no drainage issue. Mr. Balling points out that, under existing Civil Law, you are not allowed to drain your property on to another person's property. Mr. Hopkins understands. Mr. Balling also notes that if the roadway is raised, even an inch, above the existing

grade, there will be water run-off onto the next property. Mr. Hopkins said that would depend on how the road is graded; it could be graded back towards the applicant's property. Mr. Balling suggests the applicant prepare a site plan that is overlaid onto an aerial photograph, he would like to see what type of vegetative buffer there is to go between the new driveway and the neighbor.

Al Schultz asks if the project needs to have a stormwater plan for construction. Mr. Hopkins explains that there are exceptions in the SPEDES regulations for residential developments for lots under one (1) acre.

Mr. Balling said the applicant is required to provide an archeological assessment. Mr. Schultz thinks the TEQR Committee should see a drainage plan as well. Mr. Hopkins said he would be happy to provide that information; however cost is an issue.

#### **ACTION:**

Motion by Matt Balling, seconded by Patrick Miner, to **table** agenda Item #3d, at the request of the applicant, pending the preparation of a Phase I Archeological study and a stormwater pollution prevention plan in accordance with the general permit for stormwater discharge for construction activities.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Miner  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

#### **MOTION CARRIED.**

Mr. Hopkins said the pollution prevention plan is a different entity than stormwater plan. Mr. Balling said the stormwater pollution prevention plan is required.

Mr. Schultz wonders if the underground gas tank was closed properly. Mr. Hopkins said he was unaware of the gas tank issue until this evening. Mr. Balling suggests the applicant investigate this issue, perhaps photographing the area where the tank supposedly exists. Mr. Hopkins agrees.

#### **Item 3e**

Dunkin' Donuts, 9430 Main Street

#### **DISCUSSION:**

Jim Callahan provides the history on the project. The property is located on the north side of Main Street near Goodrich Road, it consists of approximately one (1) acre and is zoned Commerical. The project was referred from the Planning Board on August 2, 2006 and introduced to TEQR on August 21, 2006. The Town Board commenced coordinated review on August 23, 2006. Comments from NYS DEC, NYS DOT have been received and are in the file. Draft Part II & III analysis have been prepared for consideration by the Committee. The DOT has identified the reduction of the driveway.

James Geiger represents the client. Changes have been made to the plan according to the Planning Board's recommendations. He believes they've addressed the driveway issue. Mr. Balling

refers to the letter from the DOT which states their policy is for only one (1) driveway for this type of development; therefore, one of the proposed driveways should be eliminated. The DOT is also requesting a drainage plan.

Mr. Geiger said he was told the adjusted and revised site plan reflecting the comments made by the involved agencies was e-mailed to the Town today. Mr. Balling said the TEQR Committee does not have a new site plan. Jim Callahan said he has not received anything from the Engineer.

Steve Bengart said even if all the information had been received today, following the procedure of this Board, they would have asked for time to review the information having just received it.

Mr. Balling said another concern is the major traffic impact this project will have. There is a town wide traffic study that shows this corridor under significant stress from traffic. These intersections currently have a low level of service; they operate at an unacceptable rate by DOT standards. Mr. Balling’s recommendation is that this project work in conjunction with the office park proposed across the street, to conduct a traffic study on the three major intersections in the area.

Al Schultz identified that traffic and pedestrian safety is the issue at the site.

Mr. Geiger would like to see this project stand on its own merits; they have already addressed many issues. He would like a time-table.

Mr. Balling said the project can be tabled this evening and a recommendation can be made to contact both applicants about conducting a joint traffic study. Mr. Bengart suggests tabling the project to allow time for review of the necessary information. The project may be heard at the next TEQR meeting.

Scott Bylewski explains that the TEQR Committee must follow the SEQRA procedure.

Mr. Balling said the TEQR Committee is requesting the applicant’s engineer respond to the DOT letter and let the Committee know specifically about the driveway issue. The Committee is also requesting a joint traffic study be conducted. Jim Callahan is asked to coordinate between the two (2) outfits to conduct the joint study. Both applicants will pay a fee for the traffic study.

**ACTION:**

Motion by Matt Balling, seconded by John Moulin, to **table** agenda Item #3e, pending the information discussed this evening.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Miner  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

**Item 3f**  
Parks and Recreation Master Plan

## DISCUSSION:

Jim Callahan gave the update on the proposed Master Plan which was commissioned by the Town Board and prepared by Wendall Duscherer Engineers, citing the final draft of the Master Plan was forwarded from the Planning Board on August 2, 2006 and introduced to TEQR on August 21, 2006, Lead Agency Status was sought by the Town Board on August 23, 2006. The Draft Part II and III Analysis has been prepared for consideration by the TEQR Committee. Comments have not been received.

Matt Balling remarked that in general there are only text changes to various parts of the Plan, a better definition is provided of what the Town is seeking as far as parks are concerned. He is in support of Negative Declaration.

Mr. Balling stated that the Part II has been prepared by the Planning and Zoning Department indicating the significant and larger impacts.

## ACTION:

Motion by Matt Balling, seconded by Paul Shear, to **accept** Part II as written and **recommend** the Town Board issue a Negative Declaration of proposed amendments under the proposed Parks and Recreation Master Plan.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Minor  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

### Item 3g

Stock Demolition, 6961 Transit Road

## DISCUSSION:

Jim Callahan announced the applicant telephoned earlier with a conflict and is unable to make the meeting. He stated the proposed demolition was referred from the Town Board on August 9, 2006 and is considered a Type 1 Action under SEQRA in the Demolition Law because the structure is over 50 years old. The Lead Agency was sought by the Town Board on September 27, 2006 and no comments have been received from any of the agencies.

Al Schultz clarifies that the issue is with the shed in back and not the house. Jim Callahan said the applicant has all intentions of maintaining and keeping the house; the proposed demolition is just for the accessory building in the back as it has become a liability issue because of the flooding issues and cannot be used in its current fashion.

Mr. Balling said the building is dilapidated and presents very little aesthetic value; its existing presence has no effect on community character and the existing home has a lot more character and should be preserved.



Mr. Schultz states he understands there is litigation involved with regards to the flooding issue. Steve Bengart said that has nothing to do with the Town.

Mr. Balling said Mr. Schultz prepared a Draft Part II and would like to accept this as it has been prepared. All other members have reviewed the Part II.

**ACTION:**

Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to **accept** Part II as written and forward it to the Town Board with a **recommendation** for a Negative Declaration on agenda item #3g.

**ON THE QUESTION:**

Mr. Schultz suggested the Negative Declaration be specifically directed towards the shed or barn **not** the house.

**ACTION:**

Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to **amend** the above motion as follows: to **accept** Part II as written and forward it to the Town Board with a **recommendation** for a Negative Declaration on agenda item #3g, the Negative Declaration shall be specifically directed towards the shed or barn, **not** the house.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Minor  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

**Item 3h**

9435 Main Street Office Park, 9435 Main Street

**DISCUSSION:**

Jim Callahan stated the property is located on the south side of Main Street west of Goodrich Road, consists of approximately 21 acres, zoned Commercial along the Main Street frontage, the applicant is proposing development of an office building. Coordinated review commenced on September 27, 2006. No comments have been received from the DEC or the DOT. Mr. Balling stated the 30 day comment period has expired.

Tom Thielman, of Urban Engineers, is representing the applicant.

Mr. Balling said the two (2) major intersections of involvement, including the intersection of Main Street and Thompson Road are operating at unacceptable levels of service according to the documented Watt's study and we are very concerned about any developments in this vicinity that are going to generate traffic. There are two (2) options for the TEQR Committee:

- 1.) Preempt the Positive Declaration and request more information about the traffic impacts of this project.  
OR
- 2.) Move forward and identify a potentially large impact and recommend a Positive Declaration be made.

Mr. Schultz referred to the wetlands in the back of the site and identified the need to develop a storm water control. Mr. Thielman said that the report has been prepared and submitted to the Town for review. Mr. Thielman also advises that the traffic study was done in August 2006 and is in the file. Jim Callahan asked if a copy was submitted to the DOT. Mr. Thielman is unsure if the report was sent. Jim Callahan questions why there have been no comments received back from involved agencies.

Mr. Balling said the TEQR Committee is going to need some time to review the traffic study to see if it is thorough enough, and suggested, to the applicant, a discussion with Dunkin' Donuts about revising this study to include their project as well. He points out that the traffic volume that will be generated is going to effect the major intersections and may have a bearing on the driveways that are being proposed. He adds that this is a phase development and the volumes that build up in the queue may have an impact.

#### **ACTION:**

Motion by Matt Balling, seconded by Patrick Miner, to **table** agenda item #3h, pending the completion of the revised traffic study, which is to take into consideration the three (3) buildings and the proposed Dunkin' Donuts across the street.

#### **ON THE QUESTION:**

Mr. Thielman will be in contact with the Planning and Zoning office to coordinate the traffic study as discussed.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Minor  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

**MOTION CARRIED.**

#### **Item 3i**

Historic Preservation Local Law

#### **DISCUSSION:**

Mr. Balling explains that this local law is modeled after a law used in countless communities across the United States with favorable impacts on the physical health of these communities. The U. S. Supreme Court has ruled on historic preservation and they find it to be a valid area of governance. As far as the environmental impacts are concerned and preserving historic structures is considered to be a very important aspect of the State Environmental Quality Review Act was meant to achieve.

Mr. Schultz said the only item in the Part II that is of concern is with regards to the likelihood of public controversy. It is not enough of an environmental issue to change the TEQR Committee's recommendation, however, he would like to go on record saying the issue is the financial burden on property owners whose property has been designated as historic property and the fact that you can get to the Town Board, to an elected official, through the appeal process, but the bulk of the decisions that are going to effect the way that property owner spends money on his property are made by an appointed board not an elected board.

Mr. Shear thinks the method of designation of historical or significant property is entirely arbitrary based on the way it is written. It is not a question of age; it is a question of the opinion of an appointed group without the individual who owns the property having the opportunity to speak on this matter prior to it being moved forward. There is an indication that there are approximately 700 pieces of property that may potentially be involved. This does not suggest that there are 700 pieces of property that have historical significance but that they be considered. It would be appropriate for these 700 candidates to be aware that their property is being considered and give them an opportunity to respond. If the document was sent to the 700 candidates and a public hearing was set, Mr. Shear believes there would be a significant amount of people who would attend the public hearing. For this reason Mr. Shear said he can not agree with voting in favor of a Negative Declaration.

Mr. Balling said the proposal is following the appropriate legislative process. The community is being given an opportunity in every step of discussion to speak in favor or not in favor of it. So far, four (4) people have been heard from, when this issue goes back to the Town Board, it is likely more people will voice their opinions. Mr. Balling said it is the Town Board's decision whether this will be made policy or not. The TEQR Committee has not been asked to agree or disagree with the foundation of the law. Mr. Schultz agrees and goes on to say that the EAF Part II has no negative impacts except for the public controversy item; however, public controversy is not an environmental aspect.

Mr. Shear asks how many properties exist in the Town. Jim Hartz indicates there are about 11,000 parcels and about 9,000 with structures on them. Mr. Shear said the owners of the 700 parcels that may be effected by this law have a different view than the remaining 8, 300. Regardless of what those 700 people have to say, it will have no impact on the decision.

#### **ACTION:**

Motion by Matt Balling, seconded by Al Schultz, to **accept** the Part II as prepared and **recommend** the Town Board issue a Negative Declaration on agenda item #3i.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Minor  | Aye |
| Richard McNamara    | Nay | John Moulin    | Aye |
| Paul Shear          | Nay | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

#### **Item 3j**

Spaulding Greens Subdivision Draft Scope

## **DISCUSSION:**

Lisa Bertino-Beaser recuses herself as she has a social relationship with a couple of the investors in this project.

Dominic and Nick Piestrak, both developers, are present. William Tuyn, of Greenman Pedersen is also present.

In September the Town answered public comments and obtained a drafted scope. This evening the TEQR Committee will be the Town Board's proxy as Lead Agency to review the proposed scope for the subdivision.

Mr. Balling said the next official action of the Lead Agency is to accept the draft scope. Mr. Callahan said the Town Board will take a recommendation from the TEQR Committee with regards to this issue. The Town Board will make the final decision.

Mr. Balling identifies that there were five (5) areas of the previous EIS for the abatement project which he wanted to see addressed in this scope. The first is municipal planning and community character. The original EIS that was prepared for the abatement project was done before we had a Zoning Law, before there were amendments to the Comprehensive Plan, before the amendments to the Subdivision Regulations, thus this scope must have an amended section explaining how this scope conforms to the aforementioned. The second item had to do with the impacts to utilities and municipal services; specifically the fact of connecting into public sewers and the impacts on education, Mr. Balling wondered where this would fit into the scope. Mr. Callahan said it would be under community services. Mr. Balling asks for the draft scope to be amended to reflect this.

Mr. Tuyn said part of the issue, in terms of scoping, is what will be covered and what level of detail. He explains that this is a supplement to a document that has previously been through the SEQRA process, he is referring to the Heise-Brookhaven Sewer. That document already contemplated development and connections to sewers lines in other areas of the Town. This site was recognized in the document as an area that was going to be developed as part of this project. What was not addressed were the site specific impacts. Mr. Balling asks for a copy of the document to keep in the file and advises the applicant to obtain a copy of the Citizens Committee Recommendation which has the actions listed. Mr. Tuyn said the DEIS, the FBIS and the Statement of findings all referenced thresholds for future development.

Mr. Balling suggests the applicant update the State and Federal Wetlands information. Mr. Tuyn agrees this will be done.

Mr. Balling voices his concern regarding the method used for the canal system transportation. The applicant is proposing to refer back to the traffic study which was based on the GIS published in 2001. Mr. Balling would like an updated traffic study which would include new counts for four (4) intersections: Goodrich Road and Roll Road, Thompson Road and Greiner Road, Goodrich Road and Main Street and Goodrich Road and Greiner Road. Mr. Tuyn thinks this is a reasonable request.

Mr. Balling asks the applicant to include the names of the four (4) mentioned intersections when preparing the scope to be forwarded to the Town Board. Mr. Tuyn agrees.

**ACTION:**

Motion by Matt Balling, seconded by Al Schultz, to **forward** the draft scope to the Town Board, as Lead Agency, with the changes discussed this evening.

**ON THE QUESTION:**

Councilman Bylewski said there were specific comments made by the Town Board and members of the audience that would be appropriate to be addressed in the scope.

|                     |        |                |     |
|---------------------|--------|----------------|-----|
| Matthew Balling     | Aye    | Patrick Minor  | Aye |
| Richard McNamara    | Aye    | John Moulin    | Aye |
| Paul Shear          | Aye    | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Recuse |                |     |

MOTION CARRIED.

**Item 4a**

Proposed Zoning Changes

**DISCUSSION:**

Jim Callahan explains that the Planning Board has been working on the Zoning changes for approximately one (1) year and have provided clarification on the Law.

Mr. Balling voices his concern with regards to permitting a two-family home in the Agricultural Flood Zone. He asks if the Town really wants to allow higher density in the Flood Plain. Jim Callahan explains that the minimum lot area for the Agricultural Flood Zone is 2.66 acres for a two-family home.

**ACTION:**

Motion by Matt Balling, seconded by Al Schultz, to **recommend** the Town Board initiate the coordinated review process with regards to agenda item #4a.

|                     |     |                |     |
|---------------------|-----|----------------|-----|
| Matthew Balling     | Aye | Patrick Minor  | Aye |
| Richard McNamara    | Aye | John Moulin    | Aye |
| Paul Shear          | Aye | Albert Schultz | Aye |
| Lisa Bertino-Beaser | Aye |                |     |

MOTION CARRIED.

**Item 5**

Miscellaneous

**DISCUSSION:**

Mr. Balling said that the TEQR members who attended the training seminar in Saratoga Springs found it to be quite helpful.

Mr. Balling asks Councilman Bylewski if money has been set aside in the 2007 fiscal budget for an environmental consultant, as discussed at the worksession with the Planning Board. Councilman Bylewski does not believe a specific line has been established for this purpose, however, the Master Plan expenses have been used in the past and this may be where the funding will come from for the consultant.

Al Schultz and Lisa Bertino-Beaser both said they appreciated the opportunity to attend the training seminar in Saratoga Springs and found it very informative.

Meeting adjourned at 8:54 p.m.

Matthew Balling, Chairman